

Department of Public Health
and Human Services

Section:
NONFINANCIAL REQUIREMENTS

TANF CASH ASSISTANCE

Subject:
Minor Child Living With A Specified
Caretaker Relative / Teen Parent

Supersedes: TANF 305-1 (07/01/06)

References: ARM 37.78.206, .207 and .208

GENERAL RULE-- A minor child must be living with a specified relative who is providing care on a day-to-day basis in a setting maintained or in the process of being established, as the child's home.

**SPECIFIED
CARETAKER
RELATIVE**

A child's specified caretaker relative(s) may be any relation by blood, marriage or adoption that is within the fifth degree of kinship to the child. A specified caretaker relative may be one of the following individuals:

1. Father, mother, grandfather, grandmother, brother, sister, uncle, aunt, first cousin, nephew, niece; or
- ▶ 2. Great grandparent, great-great grandparent, great-great-great grandparent, great-aunt, great-uncle, great-great aunt and uncle; or
3. Stepfather, stepmother, stepbrother, stepsister; or
4. One who legally adopts the child or his/her parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents; or
5. Spouses of anyone named in the above groups even after the marriage is terminated by death or divorce; and
- ▶ 6. First cousin once removed.

▶ **EXAMPLE:** Fred's aunt is Pat. Pat's child is John. John's child is Joe. Joe is Fred's first cousin once removed.

A parent or stepparent of a child must be included in the filing unit (except SSI recipients) and they are included in the assistance unit as long as the child remains eligible and the parent or stepparent is otherwise eligible.

A specified relative other than the child's parent (aunt, uncle, grandparents, etc.) must be acknowledged as the child's specified relative in the filing unit and may have his/her needs included in the assistance unit upon request. If this caretaker relative wants to be included in the assistance unit, his/her spouse is included in the filing unit as a Deemed

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Person (Part Code, 'DP'), but cannot have his/her needs included in the assistance unit.

NOTE: If a caretaker relative requests assistance for more than one child in the household, all children for whom assistance is requested must be included in a single assistance unit (e.g., mom is requesting assistance for her child and her niece). Everyone related by marriage and parentage must still be included.

**VERIFYING
RELATIONSHIP**

Verification must be provided which proves that each minor child included in the filing unit and the assistance unit is actually related to the specified relative(s), and to his/her sibling(s), either by birth or marriage.

The primary verification for relationship is the birth certificate/adoption papers, baptismal certificate, marriage license, divorce decree or death certificate. **Other documents may be utilized if necessary. An example would be a voluntary statement signed by both parents acknowledging the paternity of the child. This statement does not require notarization for purposes of including the parent in the assistance unit and will remain viable until proven otherwise (ie, a paternity test that excludes the individual as the father).**

**LIVING WITH
THE CARETAKER
RELATIVE**

The child is considered to be "living with" his caretaker relative and other required filing unit members if the child is physically residing with the specified relative even though:

1. the child is not currently living in the home but will be within 30 days of the receipt of benefits;
2. legal custody is held by an agency/person that does not have physical custody of the child,
3. the child is under the jurisdiction of the court (on probation),

NOTE: A child incarcerated in a correctional institution such as Pine Hills, or any other institution providing schooling, counseling, and other structured activities for a specified time period imposed by a court of law, is not eligible for benefits.

4. the child is temporarily hospitalized for medical treatment which may include in-patient psychiatric services, or
5. the child is temporarily absent for a period of time, not to exceed ninety (90) consecutive days.

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NOTE: The child may be temporarily absent from the home for longer than 90 days if the absence is for the sole purpose of attending a boarding school and the specified relative continues to exercise responsibility for the care of the child who is expected to return to the home at the end of the school term. Request periodic verification of school enrollment and attendance.

Verification of the "living with" requirement is only required when questionable. To verify the "living with" requirement, documents such as landlord/neighbor statements, rental agreements, or current school or court records that indicate the address and presence of the child may be used.

If evidence such as reports from neighbors, school officials, etc., indicate the possibility that the child is not living with the specified relative, a home visit should be scheduled or an investigation authorized.

► **JOINT CUSTODY** Please refer to the TANF 201-2 section for information regarding joint custody arrangements.

► **MARITAL STATUS/ COMMON LAW** Please refer to the TANF 201-2 section for information regarding marital status and common law marriages.

TEEN PARENT LIVING ARRANGEMENT For TANF cash assistance only: A teen parent (TANF 201-1) must reside with and in the same residence as his or her parent(s) or other specified caretaker relative. If not, the Teen Parent Living Arrangement Review Committee must approve them to live independently of a specified caretaker relative.

A teen parent is defined as an individual who, through the end of the month of his/her 18th birthday, is unmarried and caring for his/her minor child (adult/child indicator code on SEPA is either 'I', 'N' or 'F').

NOTE: If the individual is under the age of 18, married and caring for his/her minor child they are considered a **minor parent** (adult/child indicator code on SEPA is 'I') and the teen parent living arrangement rules do not apply.

EMANCIPATION **NOTE:** **If the individual under the age of 18 has been emancipated by the courts or by marriage, he/she is considered an adult for eligibility purposes, even if a divorce occurs and the teen moves back in with his/her parent(s). Once emancipated, always emancipated.**

Independent living arrangements do not need approval by the Review Committee for an emancipated minor.

EXCEPTION: If the minor is emancipated due to marriage and the marriage is annulled, then the emancipation is also considered invalid and the teen must comply with the independent living requirements.

When a teen parent is not living with his or her parent(s), other specified caretaker relative, or granted an exception by the Teen Parent Living Arrangement Review Committee, TANF cash assistance is denied for the household.

TEEN PARENT EXCEPTION

If the teen parent is not living with his/her parent(s) or a specified caretaker relative, the Teen Parent Living Arrangement Review Committee must review the living arrangement. The Committee may determine that the living arrangement is appropriate because the teen parent is living in an appropriate alternative adult-supervised setting (e.g., a second chance maternity home, or living with another adult acting as a guardian) or he/she must be allowed to declare one or more of the following circumstances exist (Form FA-791, "Teen Parent Living Arrangement Checklist") and given the opportunity to live without adult supervision:

NOTE: If the teen parent refuses to participate in the Review Committee process, deny the application.

1. The teen parent has no living parent, legal guardian, or other adult (who would meet applicable state criteria to act as the teen parent's legal guardian) or whose whereabouts are known.
2. The teen parent has no parent, legal guardian, or other appropriate adult relative who allows the teen parent to live in their home.
3. The teen parent is living independently because:
 - a. Abuse and/or domestic violence exists in the parent's, legal guardian's, or adult relative's home.
 - b. Alcohol and/or drug abuse exists in the parent's, legal guardian's or adult relative's home.
 - c. His/Her parent, legal guardian, or adult relative lives out of the state/country.
 - d. His/Her parent, legal guardian, or adult relative is mentally ill.

- e. His/Her parent, legal guardian, or adult relative is dangerous.

All declared circumstances must be verified through collateral contact such as written statements from health care professionals, law enforcement agencies, court officials, clergy, school officials, other relatives, neighbors, landlords, or any other adult with first-hand knowledge of the teen parent's circumstances. The teen parent's statement alone is not acceptable.

The committee may determine it is in the teen parent's "best interest" to make an exception, such as when a 17-year-old teen mother is succeeding in school and caring for her child, yet an available residential "slot" or returning to the home of her parent, legal guardian, or adult relative would require her to move away from all of the support networks that contributed to her success

If the Review Committee's decision is to allow the teen parent to remain in this living arrangement, continue with the eligibility determination process.

If the Review Committee's decision is to not approve the teen parent's living arrangement, the application is denied. No Child Only grant is issued.

NOTE: If one of the parents is an adult, the Teen Parent rules cannot be applied to him/her.

EXAMPLE: Seventeen year old mom, Cassie Lynn, lives with Benny, the 20 year old father of their baby. He is not required to go through the process with the Review Committee, but she is, due to her age. She agrees to have her living arrangements reviewed and the committee decides that living with Benny is the most suitable arrangement for her and the baby. She is approved and they receive TANF benefits as a household of three.

However, if she refused to go through the committee process, or if it is determined that living with Benny is not a suitable arrangement, there is no eligibility for any of the household members as long as she is under 18 and living with him, since they are all required assistant unit members. If Benny were to move out with the baby, because he is an adult he would be eligible for benefits, if all other eligibility requirements are met.

LIVING INDEPENDENTLY

If the teen parent has been approved to live independently, this arrangement shall be reviewed at the FIA/EP renewal and any time the teen parent fails to comply with an FIA/EP activity. If necessary, the

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Eligibility Case Manager may request the committee to reconsider the initial decision. Document in Case Notes. Set an ALERT to review this arrangement at all FIA/EP renewals.

**REVIEW
COMMITTEE**

The evaluation of the teen parent's circumstances as well as assistance in locating an alternative adult-supervised setting, if necessary, shall be conducted by a committee comprised of any or all of the following selected by the County Director: the Eligibility Case Manager, the WoRC Case Manager, a Supervisor and/or the County Director/Designee, a social worker, a domestic violence counselor, a health care professional, school counselor or other school official, a representative from any other agency or organization with whom the teen parent is involved, and any other interested party. This committee should be available to meet on an as-needed basis.

It may not be necessary, in all cases, to involve anyone other than the teen parent, his or her Eligibility Case Manager, a Supervisor and/or the County Director/Designee in assessing the circumstances and making a decision. The Committee will:

1. Determine if the teen parent may live or continue to live, independently of a specified caretaker relative.
2. Assist in locating an alternative adult-supervised setting.
3. Reevaluate the independent living arrangement if it ceases to be appropriate or the teen parent fails to comply with the requirements of his or her FIA/EP.

**TEEN PARENT
EXAMPLES**

1. A teen mother (under age 18 and unmarried) is living with the 19-year old father of her child. The teen parent applies for TANF cash assistance for her minor child. **ACTION:** Inform her that she must be living with a parent, a specified caretaker relative, or be approved to live independently by the Committee, as well as meet all other non financial and financial requirements. Present the household circumstances to the Teen Parent Living Arrangement Review Committee for an evaluation of the arrangement.
 - a. If the Review Committee approves the living arrangement, continue with the eligibility determination process. The teen mother, her child, and the child's father are required filing unit members (Part Code, 'IN').
 - b. If the Committee does not approve the living arrangement, TANF cash assistance is denied.

2. A teen mother (under age 18 and unmarried) is living with her 17 year-old boyfriend (**not** the father of her child). She applies for TANF cash assistance. **ACTION:** Inform her that she must be living with a parent, a specified caretaker relative, or be approved to live independently by the Committee, as well as meet all other nonfinancial and financial requirements.

She states she does not want to live at home or with an adult relative and there is no legal guardian. **ACTION:** Present the household circumstances to the Teen Parent Living Arrangement Review Committee for an evaluation of the arrangement.

- a. If the Committee approves the living arrangement, she and her child may receive benefits. Her 17 year-old boyfriend cannot because he is not related by marriage or parentage.
- b. If the Committee does NOT approve the living arrangement, TANF cash assistance is denied.

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DEGREE	RELATIONSHIP TO SELECTED PERSON	HOW TO DETERMINE RELATIONSHIP
First	Spouse	Husband or Wife
	Mother OR Father	Parent
	Daughter OR Son OR Unborn	Child
	Stepdaughter OR Stepson	Child of Spouse
	Stepmother OR Stepfather	Spouse of Parent
Second	Sister OR Brother	Sibling
	Half sister OR Half Brother	Child of Parent and Stepparent
	Stepsister OR Stepbrother	Child of Stepparent
	Grandmother OR Grandfather	Parent of Parent
	Granddaughter OR Grandson	Child of Child
Third	Step Grandmother or Step Grandfather	Spouse of Grandparent/Parent of Step-Parent
	Great Granddaughter OR Great Grandson	Child of Grandchild
	Great Grandmother OR Great Grandfather	Parent of Grandparent
	Aunt OR Uncle (including steps)	Sibling to Parent
	Niece OR Nephew (including steps)	Child of Sibling
Fourth	Great-Great Granddaughter OR Great-Great Grandson	Child of Great Grandchild
	Great-Great Grandmother OR Great-Great Grandfather	Parent of Great Grandparent
	Great Aunt OR Great Uncle	Sibling of Grandparent
	Great Niece OR Great Nephew	Grandchild of Sibling
	First Cousin	Child of Aunt or Uncle
Fifth	Great-Great-Great Granddaughter OR Great-Great-Great Grandson	Child of Great-Great Grandchild
	Great-Great-Great Grandmother OR Great-Great-Great Grandfather	Parent of Great-Great Grandparent
	Great-Great Aunt OR Great-Great Uncle	Sibling of Great Grandparent
	Great-Great Niece OR Great-Great Nephew	Great Grandchild of Sibling
	First Cousin Once Removed	Grandchild of Aunt or Uncle
	Second Cousin	Child of Great Aunt or Great Uncle

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